

454 CMR 22.00: DELEADING

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22.01: Authority, Purpose And Scope

- (1) Authority. 454 CMR 22.00 is promulgated in accordance with and under the authority of M.G.L. c. 111, §§ 189A through 199B and M.G.L. c. 149, § 6.
- (2) Purpose. 454 CMR 22.00 shall establish and/or constitute:
 - (a) Minimum work standards to protect the health and safety of inspectors, deleaders, residential renovators and the general public.
 - (b) Standards of competency for persons or entities engaged in or performing deleading work.
 - (c) Minimum standards to be used by insurers in the inspection of risk, measurement of hazards and the determination of adequate and reasonable rates of insurance as prescribed by the provisions of M.G.L. c. 152, § 65J.
 - (d) Standards for the licensure and certification of persons, firms, corporations or other entities who or which enter into, engage in or work at the business of deleading or who participate in deleading work.
 - (e) Standards for the certification of entities engaged in the business of training others, where such training is a condition of licensure or certification.
- (3) Scope. 454 CMR 22.00 applies to all activities of employers, employees and others engaged in deleading or rehabilitation and renovation of residences containing dangerous levels of lead, except for the activities of:
 - (a) owners of residential premises and owners' agents who perform deleading work in accordance with regulations promulgated by the Director of the Childhood Lead Poisoning Prevention Program and M.G.L. c. 111, § 197(d); and
 - (b) contractors who, pursuant to 105 CMR 460.000 perform low-risk deleading or the activities set forth at 105 CMR 460.100(D) with respect to short-term vacation or recreational rentals.
- (4) Exceptions. The Director of the Department of Labor and Workforce Development may grant exceptions to 454 CMR 22.00 in those instances where it is clearly evident that existing conditions prevent compliance, or where compliance will create an undue hardship, but only in circumstances in which granting the exception will maintain the protection of the health and safety of workers and the general public. Requests for exceptions to 454 CMR 22.00 shall be submitted in writing to the Director, and shall specify those provisions of 454 CMR 22.00 for which exceptions are sought, the reasons for requesting the exceptions and any proposed alternatives to the requirements of 454 CMR 22.00. Exceptions granted by the Director shall remain in force until rescinded in writing or until a certain date set at the time that the exception is granted.

22.01: continued

(5) Alternative Methods. The Director may allow the use of newly developed techniques, methods, or equipment that provide a level of protection for workers and the general public that equals or exceeds that specified by 454 CMR 22.00, so long as such methods are not inconsistent with deleading methods that have been approved by the director of the Childhood Lead Poisoning Prevention Program pursuant to M.G.L. c. 111, § 192A.

(6) Severability. If any provision of 454 CMR 22.00 shall be held inconsistent with M.G.L. c. 111, M.G.L. c. 149 or any other Massachusetts law or held unconstitutional, either on its face or as applied, the inconsistency or unconstitutionality shall not affect the remaining provisions of 454 CMR 22.00.

22.02: Definitions

ASTM. American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

Certified Training Provider. Any entity which has been duly certified pursuant to 454 CMR 22.03(7) and 22.07.

Class I Deleading Project or Work. Deleading work which includes abatement activities other than those defined as low-risk deleading or moderate-risk deleading in 454 CMR 22.00.

CLPPP. The Commonwealth of Massachusetts Department of Public Health, Childhood Lead Poisoning Prevention Program.

Dangerous Level Of Lead. The level of lead in paint or other coating, putty, or plaster designated as dangerous by the Director of the Childhood Lead Poisoning Prevention Program of the Department of Public Health and set forth in 105 CMR 460.020.

Deleader-Contractor. An individual, responsible person of a deleading firm, corporation or other business entity who is duly licensed pursuant to 454 CMR 22.03(2) and 454 CMR 22.05(2) to enter into, engage in, or work at the business of Class I deleading.

Deleader-Supervisor. A responsible person or an employee of a deleader-contractor or deleading firm, corporation or other business entity who is duly licensed pursuant to 454 CMR 22.03(5) and 454 CMR 22.05(1) to perform class I deleading work, determine the proper conduct of deleading operations and exert supervisory control over deleader-workers on deleading projects.

Deleader-Worker. A person not acting as a deleader-contractor or deleader-supervisor who is duly certified pursuant to 454 CMR 22.03(6) and 454 CMR 22.06 to perform class I deleading work as an employee, and who performs such work under the direction of another, with or without compensation.

Deleading Project or Work. The abatement or containment of materials containing dangerous levels of lead in residences by the removal, covering or encapsulation of lead paint or by replacement of whole building components in instances described by one or more of the following:

- (a) Where the owner of the property has received an Order to Correct Violations pursuant to M.G.L. c. 111, § 197;
 - (b) Where the purpose of the work is to achieve a Letter of Compliance pursuant to 105 CMR 460.760(E) or a Letter of Interim Control pursuant to 105 CMR 460.105(D), or tax credit eligibility pursuant to 830 CMR 62.6.2;
 - (c) Where the owner of the property is required to delead pursuant to M.G.L. c. 111, § 197 and the effect of the work if performed would be to accomplish, or contribute to the accomplishment of, deleading compliance as specified by 105 CMR 460.760(E) or 105 CMR 460.105(D); or
 - (d) Where the Director of the Childhood Lead Poisoning Prevention Program or other authority with competent jurisdiction has designated the work a deleading project.
- Deleading projects or work may include class I deleading, moderate-risk deleading and low-risk deleading.

22.02: continued

Department. The Commonwealth of Massachusetts Department of Labor and Workforce Development, Division of Occupational Safety, as established by M.G.L. c. 23.

DEP. The Commonwealth of Massachusetts Department of Environmental Protection.

Demolition. The wrecking or razing of a structure or architectural component through destructive methods, as distinguished from a piece-by-piece dismantling which preserves the structural integrity of the component(s).

Director. The Director of the Department of Labor and Workforce Development.

Director's Representative. An inspector or employee of the Department of Labor and Workforce Development, Division of Occupational Safety, so designated in writing by the Director.

DOT. The United States Department of Transportation.

Encapsulant. A coating product listed on the Register of Approved Encapsulants pursuant to 105 CMR 460.115 which is formulated to contain lead hazards by providing a long-lasting and resilient barrier over painted surfaces and which is applied in liquid form, with or without a structural reinforcement.

EPA. The United States Environmental Protection Agency.

Hands-On-Training. Specific training which provides the trainee with actual practice in performing mechanical operations utilized in deleading or lead-safe renovation.

HEPA Filter. A filter capable of filtering out monodispersive particles of 0.3 microns or greater in diameter from a body of air at 99.97% efficiency or greater.

Inspection. The determination of the location and levels of lead paint in all applicable residential surfaces, as specified by 105 CMR 460.000.

Inspector. Lead paint inspectors, both private and code enforcement, as regulated by 105 CMR 460.000.

Lead-Safe Renovator Contractor. A responsible person of a deleading or renovation firm, corporation, or other business entity who is duly licensed under 454 CMR 22.00 to enter into, engage in or work at the business of moderate-risk deleading.

Lead-Safe Renovator Supervisor. A responsible person or an employee of a lead-safe renovation contractor or deleading or renovation firm, corporation or other business entity who is duly licensed by 454 CMR 22.00 to perform moderate-risk deleading work, determine the proper conduct of moderate-risk deleading operations and exert supervisory control over lead-safe renovator workers on moderate-risk deleading projects.

Lead-Safe Renovator Worker. A person not acting as a lead-safe renovator contractor or lead-safe renovator supervisor who is duly certified by 454 CMR 22.00 to perform moderate-risk deleading work as an employee of a lead-safe renovator contractor or a deleading contractor.

License. A document issued by the Department:

- (a) permitting a deleader-contractor to enter into, engage in or work at the business of performing deleading work;
- (b) permitting a lead-safe renovator contractor to enter into, engage in or work at the business of performing moderate-risk deleading work;
- (c) permitting a deleader-supervisor to engage in the activities set forth in the definition of deleader-supervisor contained herein; or
- (d) permitting a lead-safe renovator supervisor to engage in the activities set forth in the definition of lead-safe renovator supervisor contained herein.

22.02: continued

Low-Risk Deleading Project or Work. Deleading work which exclusively consists of one or more of the abatement activities set forth at 105 CMR 460.175(A).

Moderate-Risk Deleading Project or Work. Deleading work, excluding work conducted by demolition, which has been inspected by a licensed lead inspector pursuant to 454 CMR 22.12(3)(a)1. and which consists of one or more of the following activities:

- (a) The removal and replacement of: window components, including sashes, parting beads, window stops, sills, header stops, casings, and aprons; interior stair components, including treads, risers, stringers, newel posts, balusters, handrails and railing caps; door components, including casings, jambs, and thresholds; baseboards; chair rails; shelf supports; built-in cabinet shelves and interior cabinet frames in their entirety; exterior porch components; fences; bulkheads; lattices; and individual shingles or clapboards from exterior building sides.
- (b) The repair or making intact of up to two square feet of non-intact lead-painted surface per room on the interior of residences or up to ten square feet of non-intact lead-painted surface on the exterior of residences, except where the removal or covering of said lead-painted surfaces is required by 105 CMR 460.110(B)(2) or (3).
- (c) Any other activities designated by the Director of CLPPP.

Owner. Any person who alone or jointly or severally with others:

- (a) has legal title to any premises;
- (b) has charge or control of any premises as a manager who has authority to expend money for compliance with the sanitary code;
- (c) is the executor, administrator, trustee or guardian of the estate of the holder of the legal title;
- (d) is an estate or trust of which such premises is a part, or the grantor or beneficiary of such an estate or trust; or
- (e) is the association of unit owners of a condominium or cooperative, which shall be considered an owner solely with respect to common areas and exterior surfaces of such condominium or cooperative. No bank, lending institution, mortgage company or mortgagee, except where such mortgagee takes actual possession and acquires legal title of the residential premises pursuant to applicable law, shall be considered an owner.

Owner's Agent. An individual who meets one or both of the following criteria:

- (a) An individual who falls into the category of "owner's agent" as that term is defined in 105 CMR 460.020. A contractor is an owner's agent only when hired by the owner to accomplish low-risk deleading pursuant to 105 CMR 460.175 or to engage in the activities set forth in 105 CMR 460.100(D) with respect to short-term vacation or recreational rentals.
- (b) An individual over whom the owner exercises sufficient control and direction to be considered an agent under Massachusetts common law. The category of owners' agents includes, but is not limited to, the owner's employee or property manager, and an individual who works with or for the owner without compensation. An owner's agent does not include a contractor hired by an owner for the purpose of completing a specific task or set of tasks who works largely unsupervised by the owner and brings his own tools to the job.

Renovation Project or Work. Remodeling, rehabilitation or demolition work, conducted on a residential work site, which may result in the disturbance of lead paint or lead paint debris but which is distinguished from a deleading project or by one of the following conditions:

- (a) The work is carried out in a residence which is required to be delead by M.G.L. c. 111, § 197 but is unrelated to deleading compliance, both in terms of purpose and effect.
- (b) The work is carried out in a residence which is not required to be delead pursuant to M.G.L. c. 111, § 197, and the purpose of the work is other than the achievement of a Letter of Compliance pursuant to 105 CMR 460.760(E) or a Letter of Interim Control pursuant to 105 CMR 460.105(D).

Residence. Every building or shelter used or intended for use as human habitation, including exterior surfaces and all common areas thereof, and all other property, including land and other structures located within the same lot line, which is subject to the Massachusetts Lead Law, M.G.L. c. 111, § 189A through 199B and 105 CMR 460.000.

22.02: continued

Responsible Persons(s). Person(s) having management control over an entity or employer. In the case of a corporation, the responsible person(s) shall be the officers of the corporation and any other managing agent of such corporation. In the case of a sole proprietorship or a partnership, the responsible person(s) shall be the owners or partners and any other managing agent of such sole proprietorship or partnership. In the case of a limited liability company, the responsible person(s) shall be the members and managers, if any, of such company.

Revocation. The recall by the Department of the certificate or license of a deleader-contractor, deleader-supervisor, deleader-worker, certified training provider, lead-safe renovator contractor, lead-safe renovator supervisor, or lead-safe renovator worker.

Risk Assessment.

- (a) An on-site investigation to determine the existence, nature, severity and location of lead paint hazards, or
- (b) a report which documents the existence, nature, severity and location of lead paint hazards and options for reducing them.

Risk Assessor. An individual who, pursuant to 105 CMR 460.400(F) and (G), has been trained and licensed to conduct risk assessments.

Suspension. The temporary removal by the Department of the certificate or the license of a deleader-contractor, deleader-supervisor, deleader-worker, certified training provider, lead-safe renovator contractor, lead-safe renovator supervisor, or lead-safe renovator worker.

Training Certificate. A document issued by a certified training provider certifying that the recipient has completed the appropriate training courses and has passed the appropriate examination.

Training Provider Certificate. A document issued by the Department permitting deleader training providers to engage in deleader training.

Work Area. The location where deleading work or renovation work is being performed, or such areas of a facility which the Director determines may be hazardous to the health and safety of workers and the general public as a result of such work.

Zpp. Zinc protoporphyrin.

22.03: General Requirements; Effective Dates

(1) Administrative License and Certification Actions. As set forth at 454 CMR 22.04, the Director may deny, suspend, revoke or refuse to renew a license or certificate issued pursuant to 454 CMR 22.05 through 22.07 or take other administrative actions against a license or certificate holder for sufficient cause.

(2) General Requirements for Licensure of Deleader-Contractors and Lead-Safe Renovators. Except as allowed by 454 CMR 22.03(3) and (4), no person, firm, corporation or other entity shall enter into, engage in or work at the business of abating lead hazards in residences unless a Responsible Person of that entity is duly licensed as a Deleader-Contractor or a Lead-Safe Renovator Contractor, as specified by 454 CMR 22.03(2)(a) and (b). For purposes of 454 CMR 22.03(2), the phrase "engage in . . . the business of abating lead hazards" includes, but is not limited to, advertising Deleading or Lead-Safe Renovation services and submitting bids for work in which the majority of the contract-value of the project involves Deleading Work.

- (a) Where the business or work includes Class I Deleading Work, a Responsible Person of the entity shall be duly licensed as a Deleader-Contractor, in accordance with 454 CMR 22.05(2).
- (b) Where the business or work includes only the conduct of Moderate-Risk Deleading Work, a Responsible Person of the entity shall be duly licensed as a Lead-Safe Renovator Contractor or Deleader-Contractor pursuant to 454 CMR 22.05(2).

22.03: continued

(3) Exception to Licensing Requirement for Contractors Conducting Low-Risk Deleading Work. Contractors and other entities who perform only Low-Risk Deleading Work in or on the property of the Owner in accordance with regulations promulgated by the director of CLPPP, pursuant to M.G.L. c. 111, § 197(d), need not be licensed as Deleader-Contractors or Lead-Safe Renovator Contractors, provided that said persons are trained pursuant to 105 CMR 460.175(B) and (C).

(4) Exception to Licensing Requirement for Owners and Owners' Agents Conducting Deleading Work. Owners and Owners' Agents who perform Deleading Work in or on the property of the Owner in accordance with regulations promulgated by the director of CLPPP pursuant to M.G.L. c. 111, § 197(d), need not be licensed as Deleader-Contractors or Lead-Safe Renovator Contractors, provided that said persons are trained pursuant to 105 CMR 460.175(B) and (C).

(5) Requirements for Licensure of Deleader-Supervisors and Lead-Safe Renovator Supervisors. All persons who perform the functions of Deleader-Supervisors and Lead-Safe Renovator Supervisors shall be certified pursuant to the procedures set forth at 454 CMR 22.05(1).

(6) Requirements for Certification of Deleader-Workers and Lead-Safe Renovator Workers. All persons who perform the functions of Deleader-Workers and Lead-Safe Renovator Workers shall be certified pursuant to 454 CMR 22.06.

(7) Requirement for Certification of Deleading Training Providers. Persons who provide or work at the business of providing deleading training required by 454 CMR 22.00 shall be duly certified pursuant to 454 CMR 22.07 prior to engaging in such work, and otherwise comply with the requirements of 454 CMR 22.07. For the purposes of 454 CMR 22.03(7), the phrase "work at the business of providing deleading training" includes, but is not limited to advertising deleading training services and submitting bids for work where the majority of the contract value of the project involves deleading or lead-safety training.

(8) Requirements for Training. All persons requiring training as a prerequisite for licensure or certification pursuant to 454 CMR 22.03(2) through (6) shall be trained pursuant to 454 CMR 22.08.

(9) Worker Protection and Medical Monitoring Requirements. The requirements of 454 CMR 22.09 shall apply to the personal protection and medical monitoring of all persons engaged in Deleading Work except Owners and Owner's Agents who conduct Deleading Work in accordance with M.G.L. c. 111, § 197(d).

(10) Notification Requirements for Deleading Projects. Persons carrying out Deleading Projects shall comply with the notification requirements of 454 CMR 22.10.

(11) Requirements for the Conduct of Renovation Work. Persons, firms, corporations or other entities who carry out Renovation Work shall ensure that the requirements of 454 CMR 22.11 for such work are met.

(12) Requirements for the Conduct of Deleading Projects. Persons, firms, corporations or other entities who carry out Deleading Projects shall ensure that the requirements of 454 CMR 22.12 for such work are met.

(a) Class I Deleading Projects. Class I Deleading Projects shall be carried out in accordance with the provisions of 454 CMR 22.12(1).

(b) Low-Risk Deleading Projects. Low-Risk Deleading Projects shall be carried out in accordance with the provisions of 454 CMR 22.12(2)

(c) Moderate-Risk Deleading Projects. Moderate-Risk Deleading Projects shall be carried out in accordance with the provisions of 454 CMR 22.12(3).

(13) Record Keeping Requirements. Licensed Deleader-Contractors, Lead-Safe Renovator Contractors and Certified Training Providers shall maintain records as provided by 454 CMR 22.13.

22.03: continued

- (14) Requirements Pertaining to the Use of Personnel for Renovation and Deleading Work.
 - (a) Persons employed or engaged to perform Deleading Work shall only be assigned to perform those tasks or functions authorized by 454 CMR 22.00.
 - (b) No Responsible Person of a firm, corporation or other business entity engaged in Deleading or Renovation Work shall allow any person to work under conditions which violate any provision of 454 CMR 22.00.
 - (c) Persons must be at least 18 years of age to perform any Deleading or Renovation Work or to receive licensure or certification in any deleading discipline pursuant to 454 CMR 22.00.
- (15) Presentation of Deleading Licenses and Certificates. Persons holding deleading certificates and licenses issued pursuant to 454 CMR 22.00 shall keep them at the deleading work site and produce the same for inspection whenever requested by the Director or the Director's Representative.
- (16) Requirements for Compliance With Applicable Provisions of 105 CMR 460.000. Deleaders, Lead-Safe Renovators, Training Providers, renovators, employers and other entities subject to the requirements of 454 CMR 22.00 shall also comply with the applicable provisions of 105 CMR 460.000.
- (17) Effective Dates. 454 CMR 22.00 shall become effective on June 1, 1999, or the date of their publication in the *Massachusetts Register*, whichever last occurs, except that:
 - (a) the provisions of 454 CMR 22.00 that pertain to the conduct of Moderate-Risk Deleading Work, including, but not limited to, 454 CMR 22.03(2)(b), 22.03(12)(c) and 22.12(3) shall become effective on October 1, 1999 or at such time as the Director of CLPPP promulgates regulations pertaining to the conduct of Moderate-Risk Deleading Work, whichever occurs last; and
 - (b) the collection of the licensing and certification fees for Deleader-Workers, Lead-Safe Renovator Contractors, Lead-Safe Renovator Supervisors, and Lead-Safe Renovator Workers shall be postponed until further notice.

22.04: Administrative License and Certification Actions/Denial, Suspension or Refusal to Renew a License or Certificate

- (1) General Administrative Proceedings. The Director may deny, revoke, suspend or refuse to renew a license or certificate issued pursuant to 454 CMR 22.00 upon finding of sufficient cause. License or certificate applicants or holders shall be advised by the Director in writing of the proposed denial, revocation, suspension or refusal to renew and the reasons therefore. Said parties shall have the right to appeal the Director's determination through an administrative hearing in accordance with the provisions of M.G.L. c. 30A and 801 CMR 1.00 by submitting to the Director a written request for such hearing within 14 calendar days of receiving notice of such administrative action.
- (2) Sufficient Cause. The following shall be sufficient cause for the Director's denial, revocation, suspension or refusal to renew a license or certificate issued pursuant to 454 CMR 22.00:
 - (a) False statements in the application;
 - (b) Omission or falsification of documentation or information required to be submitted to the Director pursuant to any provisions of 454 CMR 22.00, 105 CMR 460.000 and orders issued by the Department or the Director of CLPPP pursuant to the same;
 - (c) Failure to comply with the applicable provisions of M.G.L. c. 149 or 111F; 454 CMR 22.00; M.G.L. c. 111, §§ 189A through 199B; 105 CMR 460.000; or rules or orders issued thereunder;
 - (d) Failure to comply with laws, rules and regulations relating to occupational or public safety and health or to environmental protection;
 - (e) Failure to maintain records required by 454 CMR 22.13 or make them available to the Director upon request;

22.04: continued

(f) In the case of Certified Training Providers, or applicants for Certified Training Provider status, the following shall also constitute sufficient cause:

1. Failure to demonstrate the ability to provide the training courses for which the applicant seeks to be certified in compliance with the requirements of 454 CMR 22.07;
2. Failure to maintain the standards of training or minimum instruction required by 454 CMR 22.07 and/or 22.08;
3. Failure to report to the Department any change in staff or program which deviates from the information contained in the application; or
4. Failure to comply with the requirements set forth in 454 CMR 22.07(5)(a) through (i) or any other applicable requirements of 454 CMR 22.00; and

(g) Any other cause affecting the responsibility of the license or certificate holder which the Director determines to be of such serious and compelling nature as to warrant denial, suspension, revocation or refusal to renew.

(3) Probation. The Director may place the license or certificate holder on probation for sufficient cause for a period of three months or longer.

(4) Suspension Prior to Hearing. The Director may summarily suspend a license or certificate on an emergency basis, if, in his/her determination, the actions of the license or certificate holder show willful disregard for the health, safety or welfare of the public or workers or for the health of the environment. If a license or certificate is summarily suspended, the affected party may appeal the summary action in accordance with 454 CMR 22.04(1). If an appeal is filed, the matter shall be set down for hearing at the earliest possible time. At such hearing the Director must establish that the summary action is factually supported and that there is a substantial likelihood of sustaining the suspension in a full evidentiary hearing. The summary action shall continue against the affected party unless the hearing officer determines that the Director did not meet his/her burden under the standard specified herein. Summary suspensions may be issued in conjunction with license or certificate revocations or refusals to renew.

22.05: Licensing Procedures for Class I Deleaders and Lead-Safe Renovators

(1) Application Procedures For Deleader-Supervisor and Lead-Safe Renovator Supervisor Licensure. An applicant for licensure as a Deleader-Supervisor or a Lead-Safe Renovator Supervisor must submit to the Department in person the following:

- (a) A completed application form prescribed by the Director.
- (b) A current Training Certificate issued by a Certified Training Provider, or a current Training Certificate that meets the reciprocity requirements set forth at 454 CMR 22.08(2) in the discipline for which licensure is sought.
- (c) Proof that the applicant is 18 years of age or older.
- (d) Proof that the applicant has successfully passed any medical examination required pursuant to 454 CMR 22.09 or 29 CFR Part 1926.62.
- (e) The results of all blood lead and Zpp monitoring conducted on the applicant in the three-month period prior to application, including at least one blood lead and one Zpp result.
- (f) A money order or certified bank check, payable to the Commonwealth of Massachusetts, Division of Occupational Safety, in the amount of the entire annual fee. If the Director denies the certificate for reasons specified in 454 CMR 22.04(2), the payment is not refundable. The amount of the annual license fee shall be determined according to M.G.L. c. 7, § 3B.

(2) Procedures For Deleader-Contractor and Lead-Safe Renovator Contractor Licensure. An applicant for licensure as a Deleader-Contractor or a Lead-Safe Renovator Contractor shall submit to the Department in person the items listed at 454 CMR 22.05(1)(a) through (f), above and the following:

- (a) A list of employees in his or her present work force and those employees who have worked for him or her for any period of time during the preceding 12 months, or, if the applicant has no employees, a notarized statement to that effect.

22.05: continued

- (b) The results of all medical examinations and blood lead tests conducted pursuant to 454 CMR 22.09 or the OSHA Lead in Construction Standard, 29 CFR Part 1926.62, or any other medical information in the possession, custody or control of the applicant pertaining to lead exposure for all persons in his or her work force who have been or will be engaged in Deleading Work.
- (c) A written description of a medical monitoring program conforming to the requirements of 29 CFR Part 1926.62.
- (d) A list of all occupational safety, health-related and environmental protection-related citations or notices of violation, including notices of noncompliance, notices of responsibility, notices of intent to assess an administrative penalty, orders, consent orders and court judgements, received in the two years prior to the date of application, the issuing agency or department and the final disposition of such citation or notice.
- (e) The Deleader-Contractor's or Lead-Safe Renovator Contractor's:
 - 1. Corporate Articles of Organization and Certificate of Good Standing issued by the Massachusetts Secretary of State; or
 - 2. Doing business as ("DBA") certificate.
- (f) Evidence that Deleading Work to be performed by the applicant is covered under a current workers' compensation policy or self-insurance program.
- (g) A money order or certified bank check, payable to the Commonwealth of Massachusetts, Division of Occupational Safety, in the amount of the entire annual fee. If the Director denies the certificate for reasons specified in 454 CMR 22.04(2), the payment is not refundable. The amount of the annual license fee shall be determined according to M.G.L. c. 7, § 3B.

(3) License Renewal. Licenses issued pursuant to 454 CMR 22.05(1) and (2) shall be valid for a period of one year from the date of issuance. The Director may renew a License issued pursuant to this section, provided the current license holder submits in person a renewal application at least 30, but not more than 60, calendar days before the expiration of the current license. Applications received later than 30 calendar days before the expiration of the current license will be processed in the normal course of business, which may result in the license being renewed after its expiration date. Said renewal application shall include:

- (a) A completed application form, as prescribed by the Director.
- (b) A current certificate of refresher training specified by 454 CMR 22.08(4)(f).
- (c) The results of an annual medical examination and the results of blood lead monitoring performed in accordance with 454 CMR 22.09(6) or 29 CFR Part 1926.62.
- (d) A money order or certified bank check, payable to the Commonwealth of Massachusetts, Division of Occupational Safety, in the amount of the entire annual fee. If the Director denies the certificate for reasons specified in 454 CMR 22.04(2), the payment is not refundable. The amount of the annual license fee shall be determined according to M.G.L. c. 7, § 3B.
- (e) For Deleader-Contractors and Lead-Safe Renovator Contractors applying for renewal of licensure, the items listed at 454 CMR 22.05(2)(a) through (f).

22.06: Certification Procedures for Class I Deleader-Workers and Lead-Safe Renovator Workers

(1) Application. An applicant for certification as a Deleader-Worker or as a Lead-Safe Renovator Worker shall submit to the Department in person the following:

- (a) A completed application form prescribed by the Director.
- (b) A current Training Certificate issued by a Certified Training Provider, or a current Training Certificate that meets the reciprocity requirements set forth at 454 CMR 22.08(2) in the discipline for which certification is sought.
- (c) Proof that the applicant is 18 years of age or older.
- (d) Proof that the applicant has successfully passed a medical examination, as specified by 20 CFR Part 1926.62 within the three months prior to application.
- (e) The results of all blood lead and Zpp monitoring conducted on the applicant in the three-month period prior to application, including at least one blood lead and one Zpp result.

22.06: continued

(f) A money order or certified bank check, payable to the Commonwealth of Massachusetts, Division of Occupational Safety, in the amount of the entire annual fee. If the Director denies the certificate for reasons specified in 454 CMR 22.04(2), the payment is not refundable. The amount of the annual license fee shall be determined according to M.G.L. c. 7, § 3B.

(2) Renewal of Certification. Deleader-Worker and Lead-Safe Renovator Worker Certificates shall be valid for a period of one year from the date of issuance. The Director may renew a Certificate issued pursuant to this section, provided the current certificate holder submits in person a renewal application at least 15, but not more than 30, calendar days before the expiration of the current certificate. Applications received later than 30 calendar days before the expiration of the current certificate will be processed in the normal course of business, which may result in the certificate being renewed after its expiration date. Said renewal application shall include:

- (a) A completed application form, as prescribed by the Director;
- (b) A current certificate of refresher training specified by 454 CMR 22.08(4)(f);
- (c) The items specified at 454 CMR 22.06(1)(d) and (e); and
- (d) A money order or certified bank check, payable to the Commonwealth of Massachusetts, Division of Occupational Safety, in the amount of the entire annual fee. If the Director denies the certificate for reasons specified in 454 CMR 22.04(2), the payment is not refundable. The amount of the annual license fee shall be determined according to M.G.L. c. 7, § 3B.

22.07: Certification and Administrative Requirements for Providers of Class I Deleading and Moderate-Risk Deleading Training

(1) Application. Applicants for Certified Training Provider status shall submit to the Director an application, on forms provided by the Department. Training Provider Certificates will only be granted to those applicants whose training programs are determined by the Director to be in compliance with the applicable requirements of 454 CMR 22.07 and 454 CMR 22.08. Applicants for Training Provider Certification shall submit the following information:

- (a) A completed application form, as prescribed by the Director, which includes the name, address and telephone number of the firm or individual(s) conducting the course(s), the name under which the training provider conducts or intends to conduct the training and the courses for which approval is requested.
- (b) A course outline showing topics covered and the amount of time given to each topic.
- (c) A copy of the course manual, including all printed material to be distributed in the course.
- (d) A description of teaching methods to be employed, including a description of audio-visual aids to be used.
- (e) A description of the hands-on facility to be utilized including protocols for instruction, the number of students which may be accommodated, and the number of instructors.
- (f) A description of the equipment that will be used in classroom lectures and hands-on training.
- (g) A list of the names and qualifications of the persons who will provide the training in each course, including their education, training and experience.
- (h) An example of the written examination to be given in each course for which approval is sought.
- (i) A list of tuition or other fees required.
- (j) A copy of the certificate given to course participants upon completion of the course.
- (k) Any additional information or documentation that the Director may reasonably require to evaluate the adequacy of the application.
- (l) A money order or certified bank check, payable to the Commonwealth of Massachusetts, Division of Occupational Safety, in the amount of the entire annual fee. If the Director denies the certificate for reasons specified in 454 CMR 22.04(2), the payment is not refundable. The amount of the annual license fee shall be determined according to M.G.L. c. 7, § 3B.

22.07: continued

(2) Renewal of Certification. Training Provider Certificates shall be valid for a period of one year from the date of issuance. The Director may renew a Training Provider Certificate, provided the current certificate holder submits a renewal application at least 30, but not more than 60, calendar days before the expiration of the current certificate. Applications received later than 30 calendar days before the expiration of the current certificate will be processed in the normal course of business, which may result in the certificate being renewed after its expiration date. Said renewal application shall include:

- (a) A completed application form, as prescribed by the Director.
- (b) Written confirmation or disclosure of any changes in the information originally submitted pursuant to 454 CMR 22.07(1)(a) through (k).
- (c) A money order or certified bank check, payable to the Commonwealth of Massachusetts, Division of Occupational Safety, in the amount of the entire annual fee. If the Director denies the certificate for reasons specified in 454 CMR 22.04(2), the payment is not refundable. The amount of the annual license fee shall be determined according to M.G.L. c. 7, § 3B.

(3) Approval by Director. Upon receipt of a completed application for Certified Training Provider status, the Director shall evaluate the application and make a determination as to whether to approve or deny such status. The Director shall notify the applicant of his/her decision, in writing, within 30 days of receipt of the completed application.

(4) Non-Transferability. A Training Provider Certificate cannot be transferred from one person or corporation to another.

(5) Certified Training Provider Administrative Tasks. Certified Training Providers shall perform the following as a condition of such status:

- (a) Notify the Director in writing, at least ten days prior to the commencement of any training course covered by this section, of the location, title, and anticipated start-date and end-date of such course.
- (b) Issue numbered certificates to all students who successfully complete initial and refresher training courses. Said certificates shall include the name of the student and the course completed, the dates of the course and the examination, and a statement that the student passed the examination. Training certificates issued pursuant to successful completion of training courses required for Class I Deleader licenses and certifications shall include an expiration date set at one year following the date on which the certificate was issued. Training certificates issued pursuant to successful completion of training courses required for Lead-Safe Renovator licenses and certifications shall include an expiration date set at two years following the date on which the certificate was issued.
- (c) Maintain training records, including: the name, address, telephone number, and the Social Security identification number of the person trained; the course title, location and dates; the final examination score of each student; a copy of the certificate of completion of each student passing the course; and the name, address and telephone number of the person(s) who proctored the examination. Said records shall be made available for inspection upon the request of the Director or his or her representative and retained for a period of 15 years by the Certified Training Provider, as required by 454 CMR 22.13(2) and (3).
- (d) Notify the Director in writing, of any change in the course content, training aids used, facility utilized or other matters which would alter the instruction from that originally submitted for certification. Minor changes in agenda, such as guest speakers (if otherwise qualified) and course schedule are excepted.
- (e) Utilize and distribute information or training materials furnished by the Department.
- (f) Where non-English-speaking students are trained, provide written course materials, oral instruction and a written examination to each student in a language in which he or she is fluent.
- (g) Provide to the Director within 30 calendar days of the conclusion of each initial and refresher training course, the title of the course, the date(s) on which the course was provided and the name, address, and Social Security number of each student who has successfully completed the course.

22.07: continued

- (h) Subsequent to reasonable notice, permit up to two representatives of the Director to attend each course and to take the written examination without cost to the Department.
- (i) Attend any “train the trainer” seminars required by the Department.

(6) Written Examination. The Director retains the right to administer, or to have a third party administer, a written examination of his or her own choosing.

(7) Course Audits. Certified Training Providers shall allow auditing inspections of approved training courses by the Director or his or her representative. Applicants for certification of lead training courses to be offered outside the Commonwealth shall, at the Department's option, bear the costs to the Department for one course audit per year for each course for which approval is granted pursuant to 454 CMR 22.07(3). Said costs shall include two-way travel and food and lodging expenses for one individual for the entire length of each course. In lieu of visitation, the training provider may, at the Directors's option, be required to submit to the Department a video-taped recording of a training course for review and evaluation.

22.08: Training

(1) Persons Requiring Training. All applicants for licensure or certification pursuant to 454 CMR 22.05 through 22.07 shall have successfully completed the applicable initial and refresher training from a Certified Training Provider for the discipline(s) in which they wish to be licensed or certified.

(2) Reciprocity and Recognition of Prior Training Courses. Persons who have successfully completed deleading training in the discipline(s) in which they wish to become licensed or certified prior to the effective date of 454 CMR 22.00 and persons who have successfully completed deleading training rendered by out-of-state providers shall be considered to have fulfilled the applicable training requirements for licensure or certification pursuant to 454 CMR 22.00, provided that said training:

- (a) Was provided by a state or EPA-sponsored or approved training provider and
- (b) Was substantially equivalent in length and content to that specified by 454 CMR 22.00.

The Director shall determine whether previously-supplied and out-of state training courses are equivalent to the training and examination requirements of 454 CMR 22.00.

(3) Recognition of Higher Level Training Courses. Persons who have successfully completed the applicable training requirements for Deleader-Supervisors and Deleader Contractors pursuant to 454 CMR 22.08(4)(c) shall be considered to have met the associated training requirements for certification as Deleader-Workers and Lead-Safe Renovator Workers. Persons who have successfully completed the applicable training requirements for Deleader-Workers pursuant to 454 CMR 22.08(4)(b) shall be considered to have met the associated training requirements for certification as Lead-Safe Renovator Workers.

(4) Training Curricula.

(a) General.

1. Courses of instruction required for certification or licensure of Deleader-Contractors, Lead-Safe Renovator Contractors, Deleader-Supervisors, Lead-Safe Renovator Supervisors, Deleader-Workers and Lead-Safe Renovator Workers are set forth at 454 CMR 22.08(4)(b) through (f). The required subjects of instruction shall be presented through a combination of lectures, demonstrations, field trips and hands-on training, as appropriate.
2. Courses requiring hands-on training shall be presented in an environment suitable to permit participants to have actual experience performing tasks associated with Deleading and Lead-Safe Renovation. Demonstrations not involving individual participation shall not substitute for hands-on training. Hands-on training sessions shall maintain a student to instructor ratio of not greater than 10:1.
3. For the purposes of 454 CMR 22.00, one training day shall consist of six and a half hours of actual instruction, excluding time taken for lunch and breaks.

22.08: continued

4. Initial training courses for Deleader-Contractors, Deleader-Supervisors and Deleader-Workers shall be provided on consecutive calendar or business days, unless otherwise approved by the Director. Initial training courses for Lead-Safe Renovator Contractors, Supervisors, and Workers may be provided on non-consecutive days, and in segments of less than a full day, provided that all training is completed within a two-week period.

(b) Training Requirements for Deleader-Workers. Persons seeking certification as Deleader-Workers shall successfully complete an approved three-day training course. Said course shall include lectures, at least eight hours of hands-on training, a course review and a written examination consisting of 50 multiple-choice questions. Successful completion of the course shall be demonstrated by achieving a score of at least 70% on the examination. The course shall adequately address the following topics:

1. Background Information on Lead. Relevant lead facts, including the history of lead use and sources of environmental lead contamination (paint, surface dust and soil, water, air, food).

2. Health Effects of Lead Exposure. The most common routes of human lead exposure. Also, the nature of lead-related disease including, but not limited to, effects on the nervous system, reproductive system, musculoskeletal systems and kidneys, dose-response relationships and differences between effects on adults and on children.

3. Other Health Hazards of the Deleading Workplace. Health hazards presented by Encapsulants, other solvents, gases, vapors and caustic materials commonly encountered in the deleading workplace; the OSHA Hazard Communication Standard 29 CFR Part 1910.1200; how to read a material safety data sheet (MSDS) and take precautionary measures; and exposure hazards associated with surface preparation activities.

4. Regulatory Review. An overview of pertinent federal, state and local regulations pertaining to the prevention of lead exposure in residential, industrial, and construction settings including, but not limited to, 454 CMR 22.00, 105 CMR 460.000, 40 CFR Part 745 and 29 CFR Part 1926.62.

5. Personal Protective Equipment and Devices. The selection and use of proper personal protective equipment for deleading work sites including, but not limited to, respirators, protective clothing and eye protection. This training cell shall include fit testing demonstrations and hands-on training in the use of protective clothing and respirators. Emphasis will be given to personal protective equipment which protects against hazardous substances commonly found at the deleading work site, including solvents, Encapsulants and caustic paste removers, as well as lead. Also, information shall be provided on personal hygiene practices for minimizing lead exposure, the maintenance of a respiratory protection program, respirator use and maintenance, and medical examination requirements for persons who use respirators.

6. Medical Monitoring Requirements. A comprehensive overview of the medical monitoring requirements of 29 CFR Part 1926.62 and 454 CMR 22.09 including, but not limited to, all federal and state requirements for physical examinations, blood lead monitoring, medical removal, and rights of employees to medical records.

7. Lead Hazard Recognition. Methods of lead hazard recognition including, but not limited to, material identification, exposure measurements, site characterizations, and safety and health plans.

8. Lead Abatement and Containment Methods. A review of Work Area preparation methods, engineering controls, removal techniques, cleanup and decontamination procedures, area clearance procedures and waste disposal.

9. Safety Hazards Other Than Lead. Other safety hazards encountered during typical lead abatement and containment projects and how to protect against them. Discussion to include, but not be limited to, electrical hazards, exposure to heat and cold, fire hazards, scaffold and ladder hazards and slips, trips and falls.

10. Use of Encapsulants and Other Low Risk Deleading Methods. The requirements of 105 CMR 460.000 and 454 CMR 22.00 pertaining to the use of Encapsulants and other Low-Risk Deleading methods, the particulars of related guidance documents and protocols issued by the Director and CLPPP pertaining to the use of Encapsulants and other Low-Risk deleading methods, including inspection procedures, surface selection, notification procedures, restrictions on occupancy, worker protection, Encapsulant selection, surface preparation and testing, application procedures, post-application testing, methods of covering, associated work practices, clearance inspections and dust

testing, operation and maintenance procedures and record keeping.

22.08: continued

(c) Training Requirements for Deleader-Supervisors and Deleader-Contractors. Persons seeking licensure as Deleader-Supervisors or Deleader-Contractors shall successfully complete an approved four-day training course. Said course shall include lectures, at least twelve hours of hands-on training, a course review and a written examination consisting of 100 multiple-choice questions. Successful completion of the course shall be demonstrated by achieving a score of 70% on the examination. In addition to the subjects specified at 454 CMR 22.08(4)(b)1. through 10., the training curriculum for Deleader-Supervisors and Deleader-Contractors shall include the following subjects:

1. Risk Assessment and Inspection Report Interpretation. Reading and interpreting lead inspection reports, including interpreting floor plans, identification of lead surfaces, identification of low-risk/moderate-risk eligible activities, specifications of surface conditions.
2. Deleading Contract Specifications and Requirements. Formats of deleading contracts; project specifications; the Deleader-Contractor's legal responsibilities.
3. Lead Abatement Methods/Options. Allowable abatement methods specified by 105 CMR 460.000; selection factors and requirements peculiar to each option; advantages and disadvantages; associated work practice requirements.
4. Work Site Clean-up. Work site clean-up methods and requirements; dust monitoring requirements and procedures.
5. Disposal and Hazardous Waste Management. Debris containerization and disposal requirements, including a review of hazardous waste regulations which may apply to deleading operations; hazardous waste testing procedures, such as TCLP; other possible hazardous wastes at the deleading work site.
6. Roles of Other Professionals. The roles of private and code enforcement lead inspectors, industrial hygienists, architects and other professionals in the deleading process.
7. Insurance and Liability. Workers' compensation coverage and exclusions, and liability insurance coverage and exclusions.
8. Supervisory Techniques. Effective supervisory practices to enforce and reinforce the required work practices, discourage unsafe practices and optimize worker relations and performance.
9. Requirements of the Massachusetts State Building Code and Home Improvement Contractor Registration Law Applicable to Residential Renovation/Moderate-Risk Abatement. The requirements of the Massachusetts Building Code, 780 CMR 108.3.5 and 116.0, pertaining to the licensure of construction supervisors. The requirements of 780 CMR 6.00, 201 CMR 14.00 and 201 CMR 15.00 pertaining to home improvement contractor registration. Standards of workmanship for renovation work.
10. Record Keeping Requirements. A review of the various records required to be kept by the Deleader-Contractor under 29 CFR Part 1926.62, 454 CMR 22.00, and 105 CMR 460.000. Record keeping for Deleading Projects as required by federal, state and local regulations including, but not limited to, notification of deleading to the appropriate agencies, medical monitoring reporting, waste disposal requirements, and records recommended for legal and insurance purposes.
11. Historic Preservation. An overview of appropriate methods for reducing or abating lead paint hazards in historic housing, including information about the State Register of Historic Places and compliance exemptions.

(d) Lead-Safe Renovator Worker Training. Persons seeking Certification as Lead-Safe Renovator Workers shall successfully complete an approved one-day training course. Said course shall include lectures, at least two hours of hands-on training, a course review and a written examination consisting of 50 multiple-choice questions. Successful completion of the course shall be demonstrated by achieving a score of at least 70% on the examination. The course shall adequately address the following topics:

1. Background Information on Lead. An overview of the history of lead use, sources of lead exposure and health effects, including the effects on the nervous, reproductive and musculoskeletal systems and kidneys, dose-response relationships, differential effects on adults and children and trends in lead poisoning rates.

22.08: continued

2. Regulatory Review. An overview of pertinent federal, state and local regulations pertaining to the prevention of lead exposure in children and adults, including, without limitation, the Massachusetts Lead Law (M.G.L. c. 111, § § 189A through 199B), 454 CMR 22.00, 105 CMR 460.000, 40 CFR Part 745 and 29 CFR Part 1926.62.
 3. Lead Hazard Recognition, Risk Assessment and Abatement Options. Reading and interpreting lead inspection reports, including floor plans; identifying leaded surfaces, and specifying surface conditions. An overview of allowable abatement options, with an emphasis on eligibility/selection factors for Moderate-Risk Deleading.
 4. Use of Encapsulants and Other Low-Risk Deleading Methods. The requirements of 105 CMR 460.000 and 454 CMR 22.00 pertaining to the use of Encapsulants and other Low-Risk Deleading procedures, and the particulars of related guidance document and protocols issued by the Director and CLPPP pertaining to the use of Encapsulants and other Low-Risk Deleading methods, including inspection procedures, surface selection, notification procedures, restrictions on occupancy, worker protection, Encapsulant selection, surface preparation and testing, application procedures, post-application testing, methods of covering, associated work practices, clearance inspections and dust testing, operation and maintenance procedures and record keeping.
 5. Moderate-Risk Deleading Procedures and Practices. A review of Work Area precleaning and isolation methods, engineering controls, removal, replacement and other Moderate-Risk work methods and techniques, dust minimization, cleanup and decontamination, containment and disposal of lead-painted components and debris and minor repair of non-intact surfaces.
 6. Work Area Clearance Requirements. Final cleanup; role of lead paint inspector; dust monitoring and area clearance requirements and waste disposal.
 7. Personal Protection and Medical Monitoring Requirements. A discussion of the selection and use of personal protective equipment for Deleading Work including, but not limited to, respirators, protective clothing and eye protection. This training cell shall include fit testing demonstrations and hands-on training in the use of protective clothing and respirators. In addition, it shall include information on personal hygiene practices for minimizing lead exposure and the medical monitoring requirements of 29 CFR Part 1926.62, including, without limitation, all federal and state requirements for physical examinations, blood lead monitoring, medical removal, and employees' rights to their own medical records.
 8. Other Health and Safety Hazards of the Renovation Workplace. Possible health hazards presented by Encapsulants, other solvents, gases, vapors and caustic materials commonly encountered in the deleading workplace and safety hazards including, without limitation, electrical hazards, exposure to heat and cold, fire hazards, scaffold and ladder hazards and slips, trips and falls. Also, how to read a Material Safety Data Sheet and take precautionary measures.
- (e) Lead-Safe Renovator Supervisor and Lead-Safe Renovator Contractor Training. Persons seeking Licensure as Lead-Safe Renovator Supervisors or Lead-Safe Renovator Contractors shall successfully complete an approved two-day training course. Said course shall include lectures, at least four hours of hands-on training, a course review and a written examination consisting of 100 multiple-choice questions. Successful completion of the course shall be demonstrated by achieving a score of at least 70% on the examination. In addition to the subjects specified at 454 CMR 22.08(4)(d)1. through 8., the training curriculum for Lead-Safe Renovator Supervisors shall include the following subjects:
1. Exposure Assessment Workshop. A hands-on demonstration/exercise of the materials and methods for conducting personal exposure monitoring for lead and a review of the associated personal exposure assessment requirements of the OSHA Lead in Construction Standard, 29 CFR Part 1926.62. A review of appropriate responses for positive and negative determinations.
 2. Specialized Moderate-Risk Deleading Work. Specialized methods for Moderate-Risk Deleading, including lead-safe techniques for removing windows from the exterior, HEPA vacuum emptying and maintenance, porch removal and specialized containment construction.

22.08: continued

3. Requirements of the Massachusetts State Building Code and Home Improvement Contractor Registration Law Applicable to Residential Renovation/Moderate-Risk Abatement. The requirements of the Massachusetts Building Code, 780 CMR 108.3.5 and 116.0, pertaining to the licensure of construction supervisors. The requirements of 780 CMR 6, 201 CMR 14.00 and 201 CMR 15.00 pertaining to home improvement contractor registration. Standards of workmanship for renovation work.
4. Roles of Other Professionals. The roles of private and code enforcement lead inspectors, industrial hygienists, architects and other professionals in the deleading process.
5. Insurance and Liability. Workers' Compensation and liability insurance coverage and exclusions.
6. Historic Preservation. An overview of appropriate methods for reducing or abating lead paint hazards in historic housing, including information about the State Register of Historic Places and compliance exemptions.
7. Record Keeping Requirements. A review of the various records required to be kept by Lead-Safe Renovator Contractors and Supervisors under 29 CFR Part 1926.62, 454 CMR 22.00, and 105 CMR 460.000, including, but not limited to, notification of Moderate-Risk Deleading to the appropriate agencies, medical monitoring reporting, waste disposal requirements, and records recommended for legal and insurance purposes.
- (f) Refresher Training. Deleader-Contractors, Deleader-Supervisors and Deleader-Workers shall successfully complete annual refresher training of at least one day duration given by Certified Training Providers as a precondition to renewal of their licenses or certificates. Lead-Safe Renovation Contractors and Lead-Safe Renovation Supervisors shall successfully complete refresher training of at least one day duration every two years as a condition of maintaining licensure or eligibility for the same. Lead-Safe Renovation Workers shall successfully complete refresher training of at least four hours duration every two years as a condition of maintaining certification or eligibility for the same. Refresher training for all disciplines shall be specific to the discipline, and shall include: a review of the health effects of lead exposure; the health effects of other hazardous substances typically found at deleading and home renovation work sites; the use of respirators and other protective equipment to reduce exposures; state and federal laws, guidelines or policies applicable to Deleading and/or Lead-Safe Renovation; any pertinent changes thereto, developments or changes in state-of-the-art Deleading and/or Lead-Safe Renovation procedures and equipment; and a review of the key areas of the initial training specific to each discipline. Successful completion of refresher training will be demonstrated by achievement of a score of at least 70% on a written examination consisting of at least 25 multiple-choice questions administered by the Certified Training Provider. Where an initial or refresher training certificate has expired, the holder shall have a grace period of one year from the date of expiration of said training certificate in which to take another refresher training course in the same discipline in lieu of re-taking the applicable initial course of training.
- (g) Encapsulant Manufacturer-Supplied Training. Prior to working on or engaging in a deleading project in which an Encapsulant is to be used, licensed Deleader-Contractors and Deleader-Supervisors, in addition to completing the training specified in 454 CMR 22.08(4)(c) or (f), shall take any training recommended by the manufacturer, dealer or distributor of the specific Encapsulant to be used which is approved by the Director.

22.09: Worker Protection and Medical Monitoring Requirements

- (1) Applicability. The requirements of 29 CFR 1926.62, and other applicable OSHA standards shall apply to the personal protection and medical monitoring of employees other than employees of the Commonwealth or any of its political subdivisions, except that:
 - (a) in accordance with 454 CMR 22.13(1) Deleader-Contractors and Lead-Safe Renovator Contractors shall maintain as records the results of all personal exposure monitoring, respirator fit testing, medical examinations and blood lead testing conducted pursuant to the requirements of 29 CFR Part 1926(a),(f) and (j) or pursuant to the requirements of 454 CMR 22.09 as a condition of licensure; and
 - (b) the frequency of blood monitoring of employees shall be governed by 454 CMR 22.09(5)(a).

22.09: continued

The personal protection and medical monitoring of employees of the Commonwealth and its political subdivisions and other employees exempted from coverage by OSHA standards shall be governed by the provisions of 454 CMR 22.09.

(2) General Respiratory Protection Requirements. The Deleading Contractor, Lead-Safe Renovator Contractor, or employer conducting Class I Deleading, Moderate-Risk Deleading or Renovation Work shall ensure that employees, inspectors and other persons involved in said work are provided with respiratory protection which meets the requirements of relevant OSHA regulations, including 29 CFR Part 1910.134 and 29 CFR Part 1926.62(a) and (f). Employers shall provide respirators and all necessary maintenance materials at no cost to employees and shall provide proper respirator fit testing prior to initial use and at least annually thereafter.

(3) Requirements for the Use of Protective Clothing and Equipment. The Deleading Contractor, Lead-Safe Renovator Contractor, or employer conducting Class I Deleading, Moderate-Risk Deleading or Renovation Work shall ensure that employees, inspectors and other persons involved in said work are provided with protective clothing and other personal protective equipment which meets the requirements of relevant OSHA regulations, including 29 CFR Part 1926.62(g). In addition, the following specific requirements must be met:

- (a) Employers shall provide employees with protective clothing and equipment without cost.
- (b) Protective clothing shall provide sufficient coverage and be sufficiently impermeable to lead dust, caustic paste, chemical solvents and other contaminants to prevent contamination of underlying garments or body surfaces.
- (c) Where dust-generating methods are used, the employer shall provide a minimum of two changes of protective clothing during an eight-hour day.
- (d) Where caustic paste is used to remove lead paint, the employer shall provide and ensure the use of: full-body overalls impervious to caustic substances; gloves impervious to caustic substances; glove extenders; appropriate boot or shoe covers; and where caustic paste is to be applied or removed at or above face level, face shields.

(4) Medical Examinations and Consultations. The Deleading Contractor, Lead-Safe Renovator Contractor, or other employer conducting Class I Deleading or Moderate-Risk Deleading shall ensure that employees are provided with medical examinations and consultations in accordance with 29 CFR Part 1926.62(j)(1) and (3) and 454 CMR 22.09(5)(a) through (g).

(a) Frequency of Medical Examinations. The medical examinations specified by 454 CMR 22.09(4) shall be provided:

- 1. As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, that the employee is pregnant, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; or
- 2. Immediately following medical removal specified by 454 CMR 22.09(5)(b) or as medically appropriate, as determined by a physician.

(b) Requirement for Physician's Involvement or Oversight. All medical examinations and consultations conducted pursuant to 454 CMR 22.09(4) shall be performed by or under the direction of a physician.

(c) Information Provided to Examining and Consulting Physicians. The Deleading Contractor, Lead-Safe Renovator Contractor or other employer shall provide to the physician conducting a medical examination or consultation under 454 CMR 22.09 the following information:

- 1. A copy of the following sections of the Department's regulations:
 - a. 454 CMR 22.09: *Worker Protection and Medical Monitoring Requirements*;
 - b. 454 CMR 22.11: *Work Practices and Other Requirements for Renovation Work*; and
 - c. 454 CMR 22.12: *Work Practices and Other Requirements for Deleading Projects*.
- 2. A description of the employee's duties as they relate to exposure to lead or other harmful substances;

22.09: continued

3. The employee's exposure level or anticipated exposure level to lead and, where applicable, to any other toxic substance;
 4. A description of any personal protective equipment used or to be used;
 5. Prior blood lead determinations; and
 6. All prior written medical opinions in the employer's possession or control.
- (d) Employer's Instructions to Physicians. The Deleading Contractor, Lead-Safe Renovator Contractor, or other employer shall instruct any examining or consulting physician to:
1. Not reveal to the employer, either in a written statement of medical findings or in any other means of communication, any findings, including laboratory results, or diagnoses unrelated to an applicant's occupational exposure to lead or ability to engage in Deleading Work;
 2. Advise the applicant or employee of any medical condition, occupational or non-occupational, which dictates further medical examination or treatment; and
 3. Provide the applicant or employee with a clear warning of the reproductive hazards caused by exposure to lead.
- (e) Elements of Medical Examination. Medical examinations made pursuant to 454 CMR 22.09 shall include the following elements:
1. A detailed work history and a medical history, with particular attention to past lead exposure, personal habits and hygiene, and past or present gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;
 2. A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, neurological, and pulmonary systems;
 3. A blood pressure measurement;
 4. A blood sample which determines:
 - a. Blood lead level;
 - b. Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;
 - c. Zpp;
 - d. Blood urea nitrogen;
 - e. Serum creatinine;
 5. A routine urinalysis with microscopic examination; and
 6. Any laboratory or other test relevant to lead exposure which the examining physician deems necessary by sound medical practice.
- (f) Reporting of Physician's Statement. Within two working days after the receipt of such records, the Deleading Contractor, Lead-Safe Renovator Contractor or other employer shall obtain and furnish to the applicant or employee a copy of a written medical opinion from the physician which contains the following information:
1. The physician's opinion as to whether the applicant or employee has any detected medical condition which would place his or her health at increased risk of material impairment from exposure to lead;
 2. Any recommended special protective measures to be provided to the applicant or employee, or limitations to be placed upon the applicant's or employee's activities which concern potential exposure to lead; and
 3. Any recommended limitation on the applicant's or employee's use of respirators.
- (g) Within two working days after the receipt of the report of the applicant's or employee's blood lead level, the Deleading Contractor, Lead-Safe Renovator Contractor, or other employer shall furnish the applicant or employee with a copy thereof.
- (5) Blood Lead and Zpp Level Monitoring.
- (a) Frequency of Testing.
1. Deleader-Contractors, Deleader-Supervisors and Deleader-Workers shall receive blood lead and Zpp monitoring every two months during the first six months following licensure or certification and at least quarterly thereafter.
 2. Except as specified by 454 CMR 22.09(5)(a)3., Lead-Safe Renovator Contractors, Supervisors and Workers shall receive blood lead and Zpp monitoring according to the schedule set forth at 29 CFR 1926.62(j).

22.09: continued

3. Persons tested pursuant to 454 CMR 22.09(5)(a)1. or 2. whose last blood lead analysis indicates a lead level at or above 25 ug/100 g of whole blood shall be tested at least every two months until two consecutive blood lead analyses indicate blood lead levels below 25 ug/100 g of whole blood.
4. Where a person is removed from Deleading Work pursuant to 454 CMR 22.09(5)(b), said person shall receive blood lead and Zpp testing at least monthly during the period of medical removal.
5. Upon being hired to perform Deleading Work for a new employer, and before engaging in such work, Deleader-Contractors, Deleader-Supervisors and Deleader-Workers shall receive blood lead and Zpp monitoring in accordance with the schedule set forth at 454 CMR 22.09(5)(a) unless more frequent testing is indicated by 454 CMR 22.09(5)(a)3. or 4.
- (b) Medical Removal. No person whose blood lead level is above 50 ug/100g shall be permitted to engage in Deleading Work. Said person shall immediately be removed from any lead exposure when the result of any single test of his or her blood lead level is at or above 50 ug/100 g of whole blood. In order to confirm the accuracy of the laboratory test result, a second blood test shall be taken within two weeks.
- (c) Return To Work Following Medical Removal. A person medically removed from Deleading Work pursuant to 454 CMR 22.09(5)(b) may return to his or her former job status when two consecutive blood sampling tests indicate that the blood lead level is at or below 40 ug/100 g of whole blood.
- (d) Blood Lead Testing Laboratories. Blood lead samples collected in accordance with 454 CMR 22.00 shall be analyzed by the Division of Occupational Safety, Occupational Hygiene Program, or by laboratories approved by OSHA-CDC for blood lead analysis within seven calendar days. The blood lead testing laboratory shall report the results of all blood lead analyses to the employer in writing and to the Director in accordance with 454 CMR 23.00 in such a format as the Director may prescribe within seven calendar days.

22.10: Notification Requirements for Deleading Projects

- (1) General Requirements. All persons who carry out Deleading Projects, except owners of residential premises and owners' agents who perform deleading work in accordance with regulations promulgated by the Director of the Childhood Lead Poisoning Prevention Program and M.G.L. c. 111, § 197(d), shall satisfy the notification requirements of 454 CMR 22.10 prior to carrying out said work. All Deleading Work notifications required by 454 CMR 22.10(2) and (3) shall be made on forms prescribed by the Director and the Director of CLPPP. All applicable sections of each notification form shall be accurately completed. All Deleading notifications shall minimally include: the address of the residence or facility, the name of the Owner, the name, business address and license number (where applicable) of the Deleader-Contractor or Lead-Safe Renovator Contractor conducting the Deleading Work, the start date and estimated completion date for the work, the work methods to be used (scraping, covering, replacement, encapsulation, etc.) and whether the work will be conducted as Class I, Low-Risk or Moderate-Risk Deleading Work. All notifications required by 454 CMR 22.10 shall be mailed, hand-delivered or transmitted by facsimile to: the Director, the Director of CLPPP, the Massachusetts Historical Commission if the residence is listed on the State Register of Historic Places, and the local board of health or code enforcement agency. In addition, and in the same manner, such notifications shall be mailed to all residents of any building in which any common areas are to be delead, and to the residents of each individual unit which is to be delead.
- (2) Requirements for Class I Deleading Projects. The Deleader-Contractor shall provide the notification specified by 454 CMR 22.10(1) at least ten days before the project start date.
- (3) Requirements for Moderate-Risk Deleading Projects. Where Moderate-Risk Deleading Work is carried out by a licensed Deleader-Contractor or Lead-Safe Renovator Contractor in accordance with 454 CMR 22.12(3), said Contractor shall provide the notification specified by 454 CMR 22.10(1) at least five business days before the project start date.

22.10: continued

(4) Requirements for Low-Risk Deleading Projects. Where Low-Risk Deleading Work is carried out by a licensed Deleader-Contractor or Lead-Safe Renovator Contractor in accordance with 454 CMR 22.12(3), said Contractor shall provide the notification specified by 454 CMR 22.10(1) at least five business days before the project start date.

22.11: Work Practices and Other Requirements For Renovation Work

(1) Applicability. The requirements of 454 CMR 22.11 shall apply to all Renovation Work which results, or may result, in the disturbance of paint, paint debris, plaster or other materials containing Dangerous Levels of Lead. Because the requirements of 454 CMR 22.11 shall apply to all such Renovation Work, whether or not a lead paint inspection or determination has been performed, Renovation Work conducted in residences constructed prior to 1978 should be carried out as if Dangerous Levels of Lead were present, in accordance with the provisions of 454 CMR 22.11, unless testing performed in accordance with 105 CMR 460.000 or using another scientifically valid method has indicated the absence of Dangerous Levels of Lead.

(2) Licensing and Certification Exemption for Persons Performing Renovation Work. Renovation Work may be performed by persons who do not possess the licenses and certificates required under 454 CMR 22.00 for persons engaged in Class I or Moderate-Risk Deleading, provided that all persons participating in said Renovation Work in the capacity of employees have received the training specified by the OSHA Lead In Construction Standard at 29 CFR Part 1926.62(l).

(3) Prohibition on the Use of Minors. No person under the age of 18 years shall be employed to work on any Renovation Project.

(4) Personal Protection and Hygienic Precautions. The employer or other entity carrying out Renovation Work shall provide the medical monitoring and personal protective equipment specified by 454 CMR 22.09. No person shall eat, drink, smoke, chew gum or tobacco, or apply cosmetics in any Work Area.

(5) Distribution of Acceptable Lead Hazard Information. Persons or entities who carry out Renovation Work subject to the requirements of 40 CFR Part 745, Subpart E (sec. 745.80 through 745.88), shall comply with all requirements of that Subpart including, without limitation, those pertaining to the distribution of the specified lead hazard information.

(6) Work Practice Requirements.

(a) Exclusion of Personnel. All persons not directly engaged in work operations shall be excluded from the Work Area at all times when work is in progress and until such time as said area is sufficiently cleaned of lead dust, debris or other contamination as to preclude incidental exposure of occupants or other persons. Signs, barriers or other appropriate means necessary to effect the security of the Work Area shall be used.

(b) Shutdown and Isolation of HVAC Systems. Where the Work Area of the facility being renovated is serviced by a forced air heating, ventilation or air conditioning system (HVAC), said system shall be shut down and all ducts opening into the Work Area shall be covered with taped-down plastic sheeting or other impermeable material prior to the commencement of the work.

(c) Removal of Movable Objects. All movable objects which may be contaminated by lead dust or debris from the work activity shall be removed from the Work Area.

(d) Covering of Non-Movable Objects. All non-movable or fixed objects remaining within the Work Area shall be sufficiently covered with taped-down plastic sheeting or other appropriate impermeable material, so as to prevent their contamination.

(e) Isolation of the Work Area. The Work Area shall be sufficiently isolated from adjacent interior spaces of the dwelling by plastic sheeting or other appropriate impermeable material to prevent contamination of said adjacent spaces.

(f) Doors and Windows. Where lead paint or lead-painted fixtures or structures, such as windows, are removed from the exterior of a residence, all doors and windows on the side of the residence from which lead paint, fixtures or structures are being removed, on the same floor, and on all floors below shall be closed for the duration of the work.

22.11: continued

- (g) Plants and Ground. The ground and any plants or shrubs in the area in which exterior lead paint removal or other work which disturbs exterior lead paint is taking place shall be covered with a tarpaulin or other appropriate impermeable material. Said covering shall extend out from the edge of the structure a sufficient distance to collect any and all falling paint debris.
- (h) Prevention of Remote Contamination. Exterior renovation work shall be conducted so as to confine any generated lead dust or debris to the Work Area, and in no case shall said project be equipped and operated so as to permit the migration of generated lead dust or debris to an abutting property. Barriers and engineering controls may be employed to comply with 454 CMR 22.11(5)(h).
- (i) Material Disposition. Paint chips or other materials containing Dangerous Levels of Lead generated during work operations shall not be allowed to fall distances in excess of forty feet, except where such transfer of lead-containing materials takes place in dust-tight chutes or enclosures.
- (j) Clean-up Requirements. All interior and exterior surfaces which may have become contaminated with lead dust or debris and all tools and equipment used during work operations shall be cleaned of contamination at the conclusion of the project. Acceptable cleaning methods shall include HEPA-filtered vacuuming, wet wiping or washing using solutions of tri-sodium phosphate or any general household detergent and other forms of low-disturbance mechanical transfer. Dry sweeping and compressed air release shall not be employed as cleaning methods.
- (k) Prohibition on Burning as a Method of Lead Paint Removal. The use of open-flame burning as a method of removing lead paint from interior and exterior building surfaces of residences is expressly prohibited by 454 CMR 22.00.
- (l) Protection of the Environment. Adequate precautions shall be implemented to ensure that the outside environment is protected according to applicable EPA and DEP regulations.
- (m) Waste Disposal. The preparation, transportation and disposal of waste material containing lead shall be carried out in accordance with applicable EPA, DOT and DEP regulations.

22.12: Work Practices and Other Requirements for Deleading Projects

- (1) Requirements for Class I Deleading Projects. Persons, firms, corporations or other entities who conduct Class I Deleading Projects and the Deleader-Contractor or Deleader-Supervisor required to be on-site by 454 CMR 22.12(1)(a)2. shall ensure that said project is arranged, equipped and operated in a manner that complies with the requirements of 454 CMR 22.12, any other applicable section of 454 CMR 22.00, 105 CMR 460.000 and any other applicable Massachusetts regulation.
 - (a) General Requirements.
 - 1. Requirement for Performance by Licensed Deleader-Contractor. Except as allowed by M.G.L. c. 111, § 197(d), Class I Deleading Projects shall be conducted by Deleader-Contractors licensed pursuant to 454 CMR 22.05(2).
 - 2. Requirement for On-Site Deleader-Contractor or Deleader-Supervisor. A person who is licensed as a Deleader-Contractor or Deleader-Supervisor pursuant to 454 CMR 22.00 and who is an employee or Responsible Person of the business entity which entered into the Class I Deleading Work shall be physically present at the Work Area and in control of all Deleading Work being performed therein at all times when said Work is in progress.
 - 3. Requirement for Use of Licensed or Certified Workers. Persons who perform Class I Deleading Work under the direction of the Deleader-Contractor or Deleader-Supervisor required to be on-site by 454 CMR 22.12(1)(a)2. shall be employees or Responsible Persons of the business entity which entered into the Class I Deleading Work and licensed as Deleader-Contractors or Deleader-Supervisors pursuant to 454 CMR 22.05 or certified as Deleader-Workers pursuant to 454 CMR 22.06.
 - 4. Required Deleading Notification. No Class I Deleading Work shall take place until notice has been given to the Department and others, as set forth at 454 CMR 22.10.
 - 5. Hygienic Precautions. The Deleader-Contractor and Deleader-Supervisor shall not permit anyone to eat, drink, smoke, chew gum or tobacco, or apply cosmetics in the Work Area or changing area.

22.12: continued

6. Material Disposition. Paint chips or other materials containing dangerous levels of lead generated during Deleading Work shall not be allowed to fall distances in excess of 40 feet, except where such transfer of lead-containing materials takes place in dust-tight chutes or enclosures.
 7. Prevention of Remote Contamination. All Deleading Work performed on any structure shall be arranged, equipped and operated in a manner which eliminates the possibility of lead contaminants or lead-contaminated materials escaping from the Work Area.
 8. Methods of Paint Removal. Only the methods of paint removal specified by 105 CMR 460.120 shall be permissible for the removal of lead-based paint.
 9. Ground Fault Circuit Interrupter (GFCI) Protection. All electrical circuits supplying power tools or equipment used in connection with Deleading Work shall be ground fault circuit interrupter-protected.
- (b) Work Area Preparation. Prior to commencing a Class I Deleading Project, the Deleader-Contractor or Deleader-Supervisor shall ensure that the following steps are taken:
1. Restriction of Access. Access to the Work Area shall be restricted to the Owner, deleaders, licensed lead paint inspectors, representatives of the Director, and any others authorized by the Director. Signs warning that Deleading Work is being conducted shall be posted at all approaches to the Work Area. Such signs shall include the words "WARNING: LEAD PAINT REMOVAL HAZARD" in bold lettering not smaller than two inches tall, with additional language prohibiting entrance to the Work Area by unauthorized personnel. The Deleader-Contractor or Deleader-Supervisor shall use barriers or other appropriate means as necessary to secure the Work Area.
 2. Isolation of Interior Work Areas. Interior Work Areas shall be isolated from other areas of the Residence by sealing all openings, including but not limited to, windows (where they are not to be abated), doors, ventilation openings, drains, grilles and grates with plastic sheeting with a minimum thickness of six mils and duct tape or the equivalent. Entrances to the Work Area shall be sealed by constructing air locks as follows: one sheet of plastic sheeting of sufficient size to fully cover the entrance shall be taped along the upper edge of the top of the entrance and allowed to hang freely. A second sheet of plastic of comparable size shall be taped over the first so as to be outermost from the Work Area with respect to the first. The second sheet shall be taped on all four sides and slit vertically in the middle to allow a person to walk through.
 3. Isolation of Forced-Air Systems. Forced-air systems which are exposed to the Work Area shall be shut down, locked out and isolated to prevent lead contamination and lead dust dispersal to spaces outside of the Work Area.
 4. Covering/Removal of Objects. All movable objects in the Work Area shall be removed or covered in such a manner as to ensure that the objects are not contaminated by lead dust or other lead contaminated materials. Objects remaining in the Work Area shall be wrapped or covered with plastic sheeting with a minimum thickness of six mils, and shall be sealed with duct tape or the equivalent.
 5. Covering of Floors. Except as allowed by 454 CMR 22.12(1)(b)5.a. and b., floors of rooms in the Work Area shall be covered with two layers of plastic sheeting with a minimum thickness of six mils. The edges of said floor coverings shall be securely taped with duct tape or its equivalent, so as to prevent leakage.
 - a. Where lead paint is to be removed from floor surfaces, the requirement for covering of floor surfaces is exempted.
 - b. A tarpaulin or another impermeable covering may be used in place of plastic sheeting where the use of the latter would create slipping hazards, e.g., around ladders.
 6. Installation and Use of Change Area. A change area which is equipped with separate storage facilities for protective work clothing, equipment, and for street clothes shall be provided and used. The walls and floor of said clean change area shall be covered with plastic sheeting with a minimum thickness of six mils. The changing area shall be adjacent to the Work Area. No person shall exit the changing area to enter the Work Area unless they are equipped in conformance with 454 CMR 22.09. No contaminated person shall exit the Work Area unless such person has removed their deleading clothing, gloves, boot or shoe covers, and respirator, nor will a person in any other way cause lead contaminants to enter the non-work area.

22.12: continued

7. Covering of Doors and Windows. Where exterior lead paint removal is performed, doors and windows on the side of the building being deleaded on the same floor where work is taking place and all floors below, shall be closed and covered with plastic sheeting with a minimum thickness of six mils.

8. Covering of Plants and Ground. The ground and all plants or shrubs in the areas where exterior Deleading Work is performed shall be covered with a tarpaulin or plastic sheeting with a minimum thickness of six mils. Such covering shall cover from the side of the structure to a point at least eight feet away from the structure. The covering shall be taped or otherwise securely attached to the side of the structure.

(c) Clean-Up.

1. Interior. The Deleader-Contractor or Deleader-Supervisor shall ensure that the Work Area and any other areas exposed to lead dust or lead-contaminated debris from the Work Area are cleaned of all such visible contamination at the end of each day. All lead-contaminated materials shall be securely contained in the Work Area or disposed of according to applicable EPA and DEP regulations. The final clean-up shall be performed by the Deleading Contractor no sooner than two hours after the completion of active abatement and/or containment activities, including, without limitation, all sanding and any other dust-generating surface preparation necessary for encapsulation, repainting or sealing. At the end of each Deleading Project the cleaning shall include, but not be limited to:

- a. Vacuuming all surfaces with a HEPA- filtered vacuum cleaner;
- b. Disposing of all plastic sheeting and debris; and
- c. Mopping or washing all surfaces with a solution of tri-sodium phosphate or any general household detergent.

Until the conclusion of the final clean-up, the Deleader-Contractor shall ensure that access to the Work Area is restricted to only those persons to whom access is allowed by 454 CMR 22.12(1)(b)1. and that all Work Area barriers required by 454 CMR 22.12(1)(b)2. remain in place.

2. Equipment. All equipment used in Deleading Work shall be thoroughly cleaned with a solution of tri-sodium phosphate or any other household detergent or vacuumed with a HEPA-filter vacuum prior to removal from the Work Area.

3. Clothing. All clothing used during the Deleading Work shall be secured in leak-proof containers prior to removal from the Work Area.

4. Exterior. The Work Area shall be cleaned of lead paint chips and other debris generated by the Deleading Work at the end of each work day. Any debris shall be completely removed and disposed of in accordance with applicable EPA and DEP regulations.

(d) Disposal.

1. All dry, lead-contaminated materials without sharp edges shall be containerized in double-thickness plastic bags with a minimum thickness of six mils and then sealed, before being removed from the Work Area. Dry contaminated materials with sharp edges shall be containerized in fiber, plastic or metal drums, or in plastic-lined boxes, in accordance with applicable EPA, DOT and DEP regulations before being removed from the Work Area. Water-saturated, lead-contaminated materials shall be containerized in plastic or metal drums before being removed from the Work Area.

2. Lead-contaminated soil shall be disposed of in accordance with applicable DEP requirements.

(e) Lead Dust Monitoring Requirements. Where lead dust monitoring is required by 105 CMR 460.170, the Deleader-Contractor shall, at the conclusion of the Deleading Work, clean the Work Area until the lead dust clearance monitoring requirements of 105 CMR 460.170 are met.

(f) Declaration of Performance. Following satisfaction of the lead dust monitoring requirements of 105 CMR 460.170, the licensed Deleader-Contractor who carried out the work shall submit a signed statement to the Inspector or risk assessor who performs the reinspection required by 105 CMR 460.760. Said signed statement, which shall include the Deleader-Contractor license number, the date of expiration of said license, a description of the work performed and a statement that the work was performed in accordance with the applicable requirements of 454 CMR 22.00 and 105 CMR 460.000, shall be maintained as a record pursuant to 454 CMR 22.13(1)(d).

22.12: continued

(2) Requirements for Low-Risk Deleading Projects.

(a) Requirement for Low-Risk Designation. Persons who carry out Low-Risk Deleading Work shall ensure that said work has been inspected and designated eligible for low-risk “Owner and Owner’s Agent Abatement” by a licensed Inspector or Risk Assessor pursuant to 105 CMR 460.175(A) and 460.750 prior to engaging in such work.

(b) Training and Certification Requirements. Low-Risk Deleading Work shall only be carried out by persons who have completed the training specified by 105 CMR 460.175(B) and (C).

(c) Limitations on Scope of Activities. Any abatement and/or containment activities performed by Owners, Owners’ Agents, unlicensed contractors and others that exceed the scope of activities authorized by 105 CMR 460.175(A), or which are undertaken by persons who have not completed all training required by M.G.L. c. 111, § 197(d) and 105 CMR 460.175(B) and (C), shall be considered unauthorized deleading under 454 CMR 22.00 and subject to all the penalties thereof.

(d) Work Practice and Health and Safety Requirements. Persons or entities undertaking Low-Risk Deleading Work shall conduct such work in accordance with the work practice and health and safety requirements specified in the applicable sections of 105 CMR 460.000, including but not limited to .105, .130, .140, .160, .170 and .175 and as otherwise directed by the Director of CLPPP.

(3) Requirements for Moderate-Risk Deleading Projects. Moderate-Risk Deleading Work shall be conducted in accordance with the requirements of 454 CMR 22.12(3) and other applicable sections of 454 CMR 22.00 and 105 CMR 460.000.

(a) General Requirements.

1. Requirement for Prior Inspection. Persons carrying out Moderate-Risk Deleading Work shall ensure that said work has been inspected and designated eligible for Moderate-Risk Deleading by a licensed Inspector or Risk Assessor pursuant to the relevant provisions of 105 CMR 460.000 prior to engaging in said work.

2. Licensing Requirements. Except for Owners and Owners’ Agents, who are allowed by M.G.L. c. 111, § 197(d) to perform Deleading Work without being licensed, in accordance with regulations promulgated by the Director of CLPPP, all persons carrying out Moderate-Risk Deleading Work shall be licensed as Deleader-Contractors or Lead-Safe Renovator Contractors.

3. Requirement for On-Site Contractor or Supervisor. A person licensed as a Deleader-Contractor, Deleader-Supervisor, Lead-Safe Renovator Contractor or Lead-Safe Renovator Supervisor pursuant to 454 CMR 22.00 shall be physically present at the Work Area and in control of all Moderate-Risk Deleading Work being performed thereat at all times when said Work is in progress.

4. Requirement for Use of Certified Workers. All persons who perform Moderate-Risk Deleading Work under the direction of a Contractor or Supervisor on Moderate-Risk Deleading Projects shall be certified as Deleader-Workers or Lead-Safe Renovator Workers pursuant to 454 CMR 22.06(1) or (2) and shall be employees or Responsible Persons of the business entity which entered into the Moderate-Risk Deleading Work.

5. Restrictions On Presence of Persons in the Work Area. Notwithstanding the requirements of 454 CMR 22.11(6)(a), access to the Work Area shall be restricted to the Owner, deleaders, licensed Inspectors, representatives of the Director, and any others authorized by the Director. Signs warning that Deleading Work is being conducted shall be posted at all approaches to the Work Area. Such signs shall include the words “WARNING: LEAD PAINT REMOVAL HAZARD” in bold lettering not smaller than two inches tall, with additional language prohibiting entrance to the Work Area by unauthorized personnel. The contractor or supervisor shall use barriers or other appropriate means as necessary to secure the Work Area.

6. Limitations on Scope of Activities. Any Deleading Work, conducted as a Moderate-Risk Deleading Project, but which exceeds the scope of the work previously designated as “Moderate-Risk Deleading Work” pursuant to 454 CMR 22.12 (3)(a)1. and/or which is undertaken by persons who are not licensed or certified as required by 454 CMR 22.12(3)(a)2. through 4., shall be considered unauthorized deleading under 454 CMR 22.00 and subject to all the penalties thereof.

22.12: continued

7. Required Deleading Notification. No Moderate-Risk Deleading Work shall take place until notice has been given to the Department and others, as set forth at 454 CMR 22.10.
- (b) Work Practice Requirements.
 1. General. Persons or entities undertaking Moderate-Risk Deleading Work shall carry out said Work in accordance with the work practices specified at 454 CMR 22.11(5), the applicable work practices specified at 105 CMR 460.120, .130, .135 and .140, with the exception of the practices specified at 105 CMR 140.120(B), and as otherwise directed by the Director.
 2. Hygienic Precautions. No person shall eat, drink, smoke, chew gum or tobacco, or apply cosmetics in any Work Area.
 3. Worksite Cleanup Requirements. Following the completion of Moderate-Risk Deleading Work, the Deleader-Contractor, Lead-Safe Renovator or other person or entity who conducted the work shall clean the worksite of visible dust and debris, in accordance with 454 CMR 22.11(6)(j) and 105 CMR 460.160(D).
 4. Lead Dust Monitoring Requirements. Where lead dust monitoring is required by 105 CMR 460.170, the Deleader-Contractor, Lead-Safe Renovator or other persons or entities undertaking Moderate-Risk Deleading Work shall, at the conclusion of the Work, clean the Work Area until the lead dust clearance monitoring requirements of 105 CMR 460.170 are met.
 5. Declaration of Performance. Following satisfaction of the lead dust monitoring requirements specified by 454 CMR 22.12(3)(b)4., the licensed Deleader-Contractor or Lead-Safe Renovator Contractor who carried out the work shall submit a signed statement to the Inspector or risk assessor who performs the reinspection required by 105 CMR 460.760. Said signed statement, which shall include the Deleader-Contractor or Lead-Safe Renovator Contractor license number, the date of expiration of said license, a description of the work performed and a statement that the work was performed in accordance with the applicable requirements of 454 CMR 22.00 and 105 CMR 460.000, shall be maintained as a record pursuant to 454 CMR 22.13(1)(d).

22.13: Record Keeping Requirements

- (1) Deleader-Contractors and Lead-Safe Renovator Contractors. Deleader-Contractors and Lead-Safe Renovator Contractors shall maintain the records listed at 454 CMR 22.13(1)(a) through (d), and shall present such records to the Director, or his or her representative, upon request. Records required to be kept by 454 CMR 22.13(1)(a) shall be kept on-site. All other records required to be kept by 454 CMR 22.13 shall be kept at the principal place of business of the Deleader-Contractor or Lead-Safe Renovator Contractor. Deleader-Contractors and Lead-Safe Renovator Contractors whose principal place of business is outside the Commonwealth shall present the records listed at 454 CMR 22.13(1)(b) through (d), or notarized copies of the same, within five business days of the Director's request.
 - (a) Copies of all Deleading Certificates or Licenses required to be held by said contractor and members of his or her deleading workforce.
 - (b) Copies of current Training Certificates for all members of his or her deleading workforce.
 - (c) Copies of all medical documents required by 454 CMR 22.09 or 29 CFR 1926.62, including physicians' statements, the results of all physical examinations, blood lead level and respirator fit tests and any other medical documentation required by 29 CFR 1926.62.
 - (d) Copies of all notification forms as required by 454 CMR 22.10, results of tape tests, patch tests, and all personal and environmental air and dust wipe monitoring, all declarations of performance required by 454 CMR 22.12(1)(f) and 22.12(3)(b)5., and a list of the names of all deleaders or renovators who were involved in each operation.
- (2) Certified Deleader Training Providers. Certified Training Providers shall establish and maintain the records required by 454 CMR 22.07(5)(c) and shall make such records and documents available to the Director upon request. Certified Training Providers whose principal place of business is outside Massachusetts shall provide notarized photocopies of such records within ten business days of receipt of a written request from the Director.

22.13: continued

(3) Record Retention. Records and documents required by 454 CMR 22.13 shall be retained for a period of 15 years. Entities or persons ceasing to do business shall so notify the Director in writing within 30 calendar days of such event. The Director, on receipt of such notification may instruct that the records be surrendered to the Department, or may specify a repository for such records.

22.14: Cease-Work Orders, Responsibility For Compliance, Penalties

(1) Cease-Work Orders. The Director or his or her representative may issue an immediately effective cease-work order to any person whose activities are subject to 454 CMR 22.00 and who violates the terms or conditions of any Certificate or License issued, any work practice required under 454 CMR 22.00 or M.G.L. c. 111, §§ 189A through 199B, or any regulation or order issued thereunder, if such violation will endanger or materially impair the health or well-being of any occupant of a residence, Inspector, deleader or any person employed in performing Renovation or Deleading Work.

(2) Responsibility for Compliance. All business entities, Responsible Persons, Deleader-Contractors, Deleader-Supervisors, Deleader-Workers, Lead-Safe Renovator Contractors, Lead-Safe Renovator Supervisors, and Lead-Safe Renovator Workers and any other individuals performing work subject to the requirements of 454 CMR 22.00 shall be responsible for compliance with the provisions thereof.

(3) Penalties. Any entity or person who violates the provisions of 454 CMR 22.00 shall be subject to the administrative sanctions specified herein and any fines or penalties allowed pursuant to M.G.L. c. 111, §197B(f)(2) and M.G.L. c. 149, § 6.

22.91: Appendix 1

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY

MAIN AND DISTRICT OFFICES

BOSTON OFFICE

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FAX: (617) 727-7568

HAVERHILL OFFICE

4 Summer Street, RM 311
Haverhill, MA 01830
TEL: (978) 372-9797
FAX: (978) 372-9998

NEW BEDFORD OFFICE

181 Hillman Street
Bldg. 2, 2nd FL.
New Bedford, MA 02740
TEL: (508) 984-7733
FAX: (508) 984-3562

PITTSFIELD OFFICE

333 East Street
Pittsfield, MA 01201
TEL: (413) 448-8746
FAX: (413) 784-1163

SPRINGFIELD OFFICE

165 Liberty Street
Springfield, MA 01102
TEL: (413) 747-7192
FAX: (413) 784-1144

WEST NEWTON OFFICE

1001 Watertown Street
West Newton, MA 02465-2148
TEL: (617) 969-7177
FAX: (617) 727-4581

WESTBORO OFFICE

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FAX: (508) 616-0467

REGULATORY AUTHORITY

454 CMR 22.00: M.G.L. c. 111, §§ 189A through 199B; c. 149, § 6.

NON-TEXT PAGE